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(b) In carrying out its responsibilities under this section, the Council may—

(1) appoint and compensate not more than eight staff personnel, without regard to the provisions of title 5, United States Code, governing appointments in the competitive services, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classifications and the General Schedule pay rates;

(2) use the personnel of any executive agency, with the consent of such agency, with or without reimbursement, as the Council may consider necessary to carry out this Act;

(3) procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code;

(4) accept reimbursement from any private organization, from any executive agency, or from any State or local government, for reasonable travel expenses incurred by any member or employee of the Council in connection with the attendance of such member or employee at any conference, seminar, or similar meeting;

(5) notwithstanding section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), utilize voluntary and uncompensated services in carrying out this Act;

(6) formulate and enter into contracts for such studies, analyses, and assessments as it may consider necessary in carrying out this Act, to such extent or in such amounts as may be provided for in appropriation Acts;

(7) enter into contracts necessary for its operation to such extent or in such amounts as may be provided for in appropriation Acts;

(8) publish or arrange to publish such information as it may consider useful to the public and private sector consistent with the purposes of this Act;

(9) prescribe such rules and regulations as may be necessary to carry out this Act; and

(10) exercise such authorities as may be necessary for and incidental to carrying out its other responsibilities and duties under this Act.

ESTABLISHMENT OF TECHNICAL, ENGINEERING, AND SCIENTIFIC MANPOWER AND EDUCATION FUND

SEC. 7. (a) In order to further the national development of adequate and necessary technical, engineering, and scientific manpower and education resources, there is established a Technical, Engineering, and Scientific Manpower and Education Fund.

(b)(1) The Fund shall be available—

(A) in the first year after enactment of this Act to pay the costs of activities needed to prepare the first National Technical Manpower and Education Plan, including the collection and analysis of data on the supply and demand of the technical, engineering, and scientific manpower and education needs of the United States and of any other information needed by the Council to produce such Plan, and

(B) after the first year, to pay the Federal share of such research, fellowships, grants, capital equipment, salaries, instrumentation, and other activities as the Council considers to be necessary in carrying out this Act, in accordance with the provisions of this section.

(2) The Federal share of carrying out any application for financial assistance under this section shall not exceed 50 percent.

(C) The Fund shall be administered by the Chairman of the Council under the policy direction and authority of the Council and through any other executive agency which may be designated by the President for that purpose. In directing the policies, priorities, and goals of the Fund, the Council shall take into account the current status and forecasts of supply and demand for skilled technical manpower in each discipline or specialty.

(d) The Council shall review and approve any obligation or expenditure of moneys through the Fund that exceeds \$500,000 to an institution or \$200,000 to an individual.

(e) The Fund shall terminate five years after the date of enactment of this Act.

REPORTING REQUIREMENTS

SEC. 8. By December 31, 1983, and annually thereafter, the Council shall prepare and transmit a report to the Congress, which shall include—

(1) a statement of the funds obligated and expended from the Fund;

(2) a listing and brief description of all research, fellowships, grants, capital equipment, instrumentation, and other items used by the Council in carrying out this Act;

(3) a description of the state of the Nation's engineering, technical, and scientific manpower and education resources, including information on the regional and skill distribution of the technical work force;

(4) legislative recommendations for appropriate incentives to develop adequate technical, engineering, and scientific personnel to meet the needs of the Nation; and

(5) the National Technical Manpower and Education Plan required under section 6(a)(7) for the succeeding year.

SALARY OF CHAIRMAN

SEC. 9. Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"Chairman, National Coordinating Council on Technical, Engineering, and Scientific Manpower and Education."

DEFINITIONS

SEC. 10. For purposes of this Act—

(1) the term "Council" means the National Coordinating Council on Technical, Engineering, and Scientific Manpower and Education established by section 5 of this Act;

(2) the term "Fund" means the Technical, Engineering, and Scientific Manpower and Education Fund established by section 7 of this Act; and

(3) the term "executive agency" has the same meaning as in section 105 of title 5, United States Code.

AUTHORIZATION OF APPROPRIATIONS

SEC. 11. (a) There are authorized to be appropriated to carry out the provisions of this Act (except section 7) \$1,000,000 for fiscal year 1983, and such sums as may be necessary for the succeeding fiscal years.

(b) There are authorized to be appropriated to the Technical, Engineering, and Scientific Manpower and Education Fund \$5,000,000 for fiscal year 1983, and \$50,000,000 for each of fiscal years 1984, 1985, 1986, and 1987.

By Mr. INOUE (for himself, Mr. GOLDWATER, Mr. MOYNIHAN, Mr. DURENBERGER, and Mr. HUDDLESTON):

S. 2422. A bill to provide for equitable sharing by the spouses of qualifying Central Intelligence Agency officers in benefits paid by the Central Intelligence Agency retirement and disability system; to the Select Committee on Intelligence.

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM SPOUSES' EQUITY ACT

● Mr. INOUE. Mr. President, on behalf of Senator GOLDWATER, and accompanied by Senators MOYNIHAN, DURENBERGER, and HUDDLESTON as cosponsors, I rise to introduce the Cen-

tral Intelligence Agency Retirement and Disability System Spouses' Equity Act. This act would provide for equitable sharing by the spouses of qualifying Central Intelligence Agency officers in benefits paid from the Central Intelligence Agency retirement and disability system.

The CIARDS system, which provides for improved retirement and disability benefits for qualifying CIA employees, has been made available to certain employees of the Agency due to the nature of their work, usually involving difficult periods of service abroad. The act would recognize that such service to the country, rendered by CIA officers, often involves the dedicated support of their spouses. These spouses are called upon to serve in posts overseas, subject to frequent transfers and often difficult and sometimes dangerous conditions, as part of a joint effort with the Agency employees to whom they are married to further vital foreign policy objectives of the United States.

This legislation would recognize in a small but important way the significance of this service, to help to insure that this class of people are protected later in life regardless of their marital circumstances at that time. The act would create no significant additional financial obligations for the U.S. Government. It would provide for proportional sharing by qualified former spouses of the retirement benefits of CIA officers participating in CIARDS.

THE CIRCUMSTANCES OF THE SPOUSES OF CIA OFFICERS IN CLANDESTINE SERVICE ABROAD

Mr. President, I need not dwell in great detail about some facts of which we are all well aware. The prevalence of divorce in our country is increasing with changing attitudes toward marriage and personal fulfillment. Increasingly, divorces are granted in accordance with a "no fault" model in which it is sufficient for the party seeking divorce to demonstrate his or her personal incompatibility with the marriage partner.

While divorces have thus become easier to obtain, there has not necessarily been an accompanying development of legal concepts to provide for divorced spouses. Especially in traditionally oriented families in which the husband has had primary wage-earning responsibilities and the wife child-rearing and housekeeping duties, easier divorce has often worked disadvantages on women who have sacrificed their own career opportunities and personal development in order to fulfill their commitments to their husbands and families. For these women, access to the courts and the availability of divorce judgments has not always provided the security, especially later in life, that they had expected based on their traditional service to their families. As a result of this situation, several Federal systems of retirement benefits—including the Foreign Service and civil service systems—have

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been amended to make automatic payments to qualified former spouses or at least to make such benefits provided to the participant accessible to their former spouses through judicial action or legal settlements or other agreements.

Even more than in the ordinary case, the spouses of CIA officers serving in a clandestine capacity provide valuable support to their families and to their partner's professional service, as well as make great personal sacrifices. I will discuss several factors which illustrate this situation:

The spouses of CIA officers in clandestine service are routinely located abroad for long periods of time and are subject to continual transfers. They are required to live without the personal and social support groups that would often be available to spouses located within the United States. Because of the nature of their service, some such spouses may not even be able to avail themselves of the social connections provided by American consular and diplomatic staff.

As a result of their foreign location and frequent transfers, such spouses often forgo the opportunities for personal and professional development that are available to others. Living in foreign countries and moving from place to place may make finding a job difficult. Employment abroad for such spouses may be legally barred or unavailable. Even when employment is obtained, its short-term nature may make normal career advancement, as well as participation in retirement plans, impossible. Employment of a spouse in connection with activities at a CIA station abroad may be subject to nondisclosure agreements that prevent it from being included in personal résumés and similar forms of professional documentation. Also, certain occupations—such as writing—may be effectively foreclosed because they would tend to endanger the clandestine nature of the CIA officer's activities by increasing the visibility of the couple or even compromising certain information about the CIA officer's activities.

The spouse of a CIA officer in clandestine service also may provide more support to the officer, the family, and the country than do others. If the officer is under diplomatic cover, the spouse may be called upon to provide domestic and other services in connection with the diplomatic mission. It has been estimated, by the Association of American Foreign Service Women, that the total hours spent in such service per month may amount to fully 127 hours or more. But the spouse of a CIA officer may be obligated to provide such services in addition to others, which are often also substantial, specifically connected with CIA activities.

A CIA spouse may have special social and personal obligations resulting from CIA activities under cover. Such activities may place special per-

sonal demands on the spouse. The occurrence of clandestine activities may cause the spouse special problems in the management of the household.

While spouses may not become directly involved in clandestine activities, situations may arise when the nature of the activities undertaken inevitably affects the officer's spouse and family. Spouses and sometimes entire families are subject to social pressures resulting from the secrecy that the officer's work entails. There is also the inevitable fear by the spouses for the physical safety of their partners.

Occasionally officers in clandestine service become exposed, with unavoidable effects on the entire family. Some exposures have occurred in recent years due to the "naming of names" of purported intelligence officers by persons deliberately involved in compromising U.S. intelligence activities abroad; the Congress has recently moved to protect intelligence officers from exposure in this fashion through passage of the Intelligence Identities Protection Act of 1982.

In many ways, the situation of the spouses of CIA officers in clandestine service abroad resembles that of the spouses of Foreign Service officers. If anything, the circumstances of the CIA spouse may be even more severe and his or her contribution to the family, the officer, and the country even more significant. In recognition of the unique service provided by Foreign Service spouses, Congress in 1980 passed section 814 and related provisions of the Foreign Service Act to provide for equitable sharing by qualified former spouses of Foreign Service officers in the special retirement benefits for such officers provided under that act. In recommending the adoption of such provisions, the Foreign Relations Committee made the following observations:

The nature of a Foreign Service career makes it particularly difficult for spouses of members of the Foreign Service to attain any independent economic security. Not only do the frequent transfers among Foreign Service posts around the world militate against the establishment of an independent career for a spouse, but the opportunity for paid employment of any kind in most foreign countries for a spouse is minimal due to legal, language, and cultural barriers. Foreign Service spouses, therefore, have little opportunity either to establish pensions in their own right or to develop marketable skills which can be put to use when the need arises. At the same time, they often contribute countless unpaid hours to the Service. Under current law, in the event of divorce, a former spouse of a Foreign Service member is denied retirement or survivorship rights under the Foreign Service Retirement System. In contrast, under social security today, a nonworking spouse can acquire a pension based on the work of his or her spouse. However, payments of sums otherwise due to an annuitant or participant may be made to another person pursuant to the terms of any court decree of divorce, annulment, or legal separation or to the terms of any court order or court-ap-

proved property settlement incident to divorce, annulment, or separation.

This policy has resulted in an apparent "Catch-22" for spouses of Foreign Service members. . . . [T]he Foreign Service tradition of husband-wife "teams" and of the participation of wives in the vital representational activities of the post is still very much alive. Nonetheless, these full-time activities are not compensated in any way, so a spouse is left with no marketable skills.

Equally unsatisfactory is the decision to leave this problem to solution by court order. Access to the courts is expensive, particularly for individuals such as Foreign Service spouses who typically have no jobs, no insurance, and no other income to speak of. There is no real precedent for awarding to former spouses a percentage of pensions of survivor annuities. In addition, widely varying divorce laws from state to state would result in different awards of a Federal benefit for the same deprivations. Furthermore, there is little or no awareness among the legal community of the special problems faced by Foreign Service spouses. Finally, overseas service frequently results in cutting off these individuals from their community roots, thereby exacerbating the problems normally faced by women seeking divorce. In particular, this results in reliance on a husband's lawyer or on his recommendation. Section 814, therefore, seeks to provide some protection for these individuals through the mechanism of the retirement system.

OBJECTIVES OF THE PROPOSED AMENDMENTS

The proposed amendments to the CIARDS system would provide qualified former spouses of participating CIA employees an automatic share in the retirement benefits of the participant while the participant is alive, as well as a survivorship payable from the system after the participant's death. Such a survivorship could not be waived without the express written consent of a current spouse, or by a spousal agreement or court order involving a former spouse. In the case of both retirement annuities and survivor payments, the amounts of these benefits would be pro rata based on the amount of time that the former spouse was married to the participant during the period of creditable government service. Where there have been multiple spouses, each would receive a pro rata share of payments under the system. In such a situation the participant could, however, elect to reduce any annuity received under the system, or to make additional contributions into the fund, to provide greater survivorship benefits for such spouses.

Mr. President, I believe that an automatic sharing in such retirement annuities and an automatic survivorship for former spouses would help to recognize the indispensable role played by the spouses of CIA officers in clandestine service and to relieve for these persons the difficulties that have been attendant upon divorce. The amendments to CIARDS which are proposed in this bill would establish as uniform Federal scheme for the disposition of CIARDS retirement benefits to former spouses and secure their survivorship rights. The retirement and survivor-

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ship benefits established under these amendments would be paid to qualified former spouses directly from the CIARDS fund based on the period of marriage, without the necessity of securing these interests through court proceedings.

Former spouses of CIA officers who have been in clandestine service are uniquely disadvantaged in attempting to obtain an interest in their partner's CIARDS benefits. Like the spouses of Foreign Service officers, they have in many cases provided substantial support to the professional career of their partner. They have often relocated in ways and to locations and into circumstances in which their personal career development has been impeded. It would be difficult for them, like former Foreign Service spouses, to obtain full recognition of their contribution to the marital unit in judicial divorce proceedings. For them, as for other classes of Federal employees, court decrees requiring alimony payments by their former partners as part of an overall divorce decree may be defeated through procedural devices and jurisdictional means. For example, former partners may avoid making court-directed alimony payments by leaving the jurisdiction in which their former spouses are located, making collection time-consuming and difficult. Such a situation can be especially harsh for former spouses who have voluntarily neglected their own professional development and employment career to provide essential personal support for their partners.

In addition to these ordinary obstacles, former spouses of CIA officers in clandestine service may be prevented from revealing in open court the details of their personal circumstances during certain periods of the marriage. While special procedures—such as the use of cleared attorneys and in camera judicial proceedings—may be available to surmount such difficulties, these additional complications may make enforcing their rights in court difficult. Even if the CIA is willing in principle to provide essential security services in connection with such proceedings, such as clearing attorneys and providing sanitized employment records when necessary, the Agency could be overwhelmed if the volume of such requests were large. And for some former spouses, due to their personal circumstances, any delay or additional complication of legal proceedings may cause extreme difficulty.

Providing automatic payments from CIARDS in such cases, accompanied by a mechanism to modify them by court order or spousal agreement when mutually agreeable or necessary, will go a long way toward alleviating these problems. The spouses of CIA officers in clandestine service can be assured that they, like the spouses of Foreign Service officers, are protected in their retirement for the personal sacrifices they have made and continue to make in advancing the careers of

their partners and the interests of the country.

Former spouses would be eligible for an automatic share in retirement annuities under CIARDS as well as have a secured survivorship, subject to their election otherwise. Lengthy and expensive judicial proceedings connected with divorce could be avoided, at least for these benefits. Certain former spouses could be partially protected by the existence of such benefits during the period in which a final determination is made by a court of the terms of the divorce settlement or judgment.

PROVISIONS OF THE PROPOSED CIARDS AMENDMENTS

Mr. President, this bill is closely modeled on section 814 and accompanying provisions of the Foreign Service Act of 1980, concerning benefits payable from the Foreign Service retirement and disability system to qualified former spouses of Foreign Service officers. The proposed amendments to CIARDS would bring this system into conformity with these new provisions of the Foreign Service retirement system, in which Congress recognized the special rigors for spouses of certain types of Government service abroad. Bringing the statutory provisions of CIARDS into conformity with the Foreign Service approach will demonstrate to the spouses of CIA employees abroad that their situation has been recognized in the same way as that of Foreign Service spouses. It will also do a great deal to assure these dedicated Americans, both CIA officers in clandestine service and their spouses, that the U.S. Government is aware of their personal situation and duly appreciative of their efforts. Four provisions of the proposed amendments should be highlighted:

First. Equitable sharing of retirement annuities by qualified former spouses. The proposed amendments to CIARDS would make former spouses who were married to CIA officers participating in CIARDS for at least 5 years during the officers' period of credible service eligible to a share of the participant's retirement annuities proportional to one-half of the participant's annuity in the same ratio that the duration of the marriage bears to the period of service. Qualified spouses would thereby obtain a vested right to one-half of the retirement annuity benefits accruing to the participant during the period of marriage, in recognition of their contribution to the professional development of the participant and to the Agency's mission.

Such former spouses would become eligible for these payments upon commencement of such payments to the participant at retirement. Their right to such payments would be vested and payment would automatically be made to them directly from the CIARDS fund.

Former spouses would not, as under existing law, be required to seek an in-

terest in such entitlements through a spousal agreement with their marital partner or a divorce judgment requiring payment of such sums. But in cases in which the marital situation prior to divorce was such that some other disposition of the retirement benefits would be preferable, then the right to such payments could be modified by agreement between the participant and the spouse or former spouse or by a judicial order issued in connection with a divorce proceeding.

Second. Automatic survivorship, with equitable sharing—by former spouses in survivorship payments. The proposed amendments to CIARDS would also make qualified former spouses automatically eligible to a pro-rated share of survivorship benefits to be paid from the CIARDS fund based on the service of the participant. In no case would such survivorship payments to former spouses bring the total of such payments over 55 percent of the amount of the retirement annuity of the participant, the current figure for spouses of participants, except when the participant has specifically elected to provide additional survivorship benefits for a current or former spouse by reducing current retirement annuity payments or making supplementary contributions to the fund.

The amendments would also codify the existing administrative practice of requiring a written election submitted by both spouses to waive survivorship rights in favor of full retirement annuity payments during the lifetime of the participant. By including this provision in statute, current spouses may be assured that their potential survivorship rights will not be withdrawn without their notification and consent.

The automatic provision of survivorship benefits to qualified former spouses is aimed directly at a critical problem that often occurs in divorces. While the divorced spouse of a working or retired partner may be careful to seek an equitable division of current marital assets in the divorce decree, future assets like survivor benefits are often not considered. This can leave a former spouse unprovided for in the long term. Furthermore, no current transfer of marital assets may be sufficient to provide the same degree of security as would such assured continuing survivorship benefits.

Third. Spousal agreements or court orders in individual cases. The proposed amendments to CIARDS would also provide that benefits payable from the fund under the provisions of the CIARDS Act would be subject to modification through spousal agreement or court order incidental to divorce or separation proceedings. This provision is similar to a provision adopted by Executive order in 1980 conforming this aspect of CIARDS to civil service principles. The Civil Service Act was amended in 1978 to provide that the disposition of civil service re-

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tirement benefits be subject to such domestic legal actions. The proposed provision would establish this principle in statute for CIARDS, thereby assuring parties involved in divorce or related proceedings of their ultimate right to reach a voluntary or judicial determination based on the totality of their marital circumstances. This provision would also insure that the general assessment of the equities of the marital situation established in the provisions discussed previously, concerning the distribution of retirement and survivorship benefits between such parties, would remain subject to a voluntary or judicial decision otherwise in particular cases. Any judicial proceedings undertaken under this provision could be conducted with the assistance of the CIA in insuring that necessary procedures to protect secrecy were followed.

Fourth. Effective date; optional survivor benefits for ineligible former spouses. These amendments to CIARDS would take effect upon their enactment. The automatic retirement benefits for qualified former spouses established in these amendments would become available to spouses who become divorced after the effective date, providing their partner separates from service with the CIA after this date. Thus, the amendments to the retirement annuity provisions would not affect retirement benefits already being paid to retired CIARDS participants. The survivorship benefits would apply only to spouses who are divorced after the effective date.

Mr. President, I realize that establishing the effective date in this way would leave certain former spouses, who are divorced before enactment of the amendments, without additional protection. While this group has certainly made important contributions in the ways I have described previously, I have decided to pursue a statutory remedy in their favor at this time. This is because to do so would be retroactively to change the amount of payments already being received and possibly even to affect the validity of existing decrees. Nevertheless, I feel that at some future date we should consider providing additional benefits to this group in recognition of their important service.

Survivorship benefits could, however, be secured for certain ineligible former spouses through a voluntary election by their former partners who are participants in CIARDS. These participants could elect to receive a reduced annuity in order to provide survivor benefits for their ineligible former spouses.

RELATED ISSUES

Mr. President, the previous action of this body in the Foreign Service Act of 1980 indicates that the Senate has been responsive to the situation of the spouses of certain classes of U.S. Government employees serving abroad, especially those serving in connection with our vital foreign policy goals.

Nevertheless, there are certain special considerations relevant to CIARDS that should be mentioned at this time.

First. Personnel management considerations. CIARDS was adopted to provide special benefits for certain CIA employees serving in difficult conditions. The existence of the CIARDS benefits system helps the Agency to attract employees into this category of service, usually involving clandestine service overseas. CIARDS also provides for early retirement, in recognition of the fact that this form of service is not always suitable for older employees. It could be argued that these amendments to CIARDS would adversely affect the personnel management objectives of the system by making the retirement provisions of CIARDS less attractive to Agency employees. Several factors indicate otherwise, however:

In my view, CIARDS will remain an attractive system of benefits, in view of its terms and conditions including early retirement, despite any incremental loss of attractiveness due to the adoption of these amendments. Furthermore, it is not at all unlikely that other Federal retirement benefits systems, like the civil service system, will also be affected by similar legislation. S. 888, introduced by my distinguished colleagues Senators DURENBERGER and MOYNIHAN, among others, and currently before this House, would make similar changes in the civil service system.

In addition, I do not believe it unfair or unjust to adjust the distribution of benefits in an existing system of entitlements in this way, especially in a case in which basic equities arising out of the domestic situations of the participants are involved. The Senate in 1980 worked just such a change in the Foreign Service retirement and disability system. For CIARDS participants, since CIARDS eligibility results from a determination by the Director of Central Intelligence as well as the potential participant, CIARDS participants who are so inclined could possibly choose to opt out of the system as amended and return to the civil service system. As I stated earlier, however, I do not expect this to happen in a significant number of cases, especially in view of the generally more favorable terms of CIARDS.

The proposed amendments to CIARDS could make the CIARDS system, the clandestine service, and even CIA employment generally more attractive by bringing the retirement benefits system more into line with modern concepts about the role of spouses in the careers of professional employees in the Agency and elsewhere. Couples who may have had doubts about the nature and advantages of this employment could thus be attracted to Agency service, especially well-educated couples who might otherwise be expected to pursue a two-career married life. Although the precise causes have not been determined,

applications for Foreign Service careers have been running at 20 percent above projections after passage of the Foreign Service Act of 1980, which contains similar provisions.

The equitable payment of retirement benefits to former spouses should not be a disincentive, at the "front end" well prior to the eventuality of divorce, for CIA officers to choose clandestine service that would make them eligible for CIARDS. Well-adjusted potential operatives in the clandestine service would probably not oppose their spouses, who provide them valuable support in their careers, obtaining a vested right in their retirement and survivorship benefits.

Second. Applicability of the amendments of CIARDS. The argument could also be made that not all CIARDS participants are employed abroad and that some CIA employees not participating in CIARDS are, whereas the thrust of the proposed amendments to CIARDS was to protect the spouses of CIA officers serving abroad. While this may be true to a certain extent, several points should be made:

The vast majority of CIARDS participants have been employed abroad for significant periods by the Agency.

Relatively few qualified overseas employees of the Agency are not participants in CIARDS or do not intend to join CIARDS when they become eligible to do so.

Since CIARDS provides more favorable retirement benefits for eligible CIA employees, largely based on their overseas service in a clandestine capacity, these enhanced benefits should be matched in some way for their spouses, who are also subject to the difficult conditions that CIARDS was intended to compensate.

The proposed amendments would, like the recent similar amendments to the Foreign Service system, institute the changes I have previously described on a system-by-system basis. This would appear to be an eminently reasonable approach to a problem that exists for various classes of employees participating in numerous Government retirement systems. As I have mentioned, similar amendments have also been proposed for the civil service system as a whole. Proceeding on a system-by-system basis will avoid the difficult situation of having different rules applying to various participants in Federal retirement systems according to their agency affiliation or category of employment. This situation could result if we were to adopt similar amendments for certain CIA employees or other types of Government employees regardless of which retirement system they participate in.

CONCLUSION

Mr. President, in view of my preceding remarks I would urge the Members of the Senate to give full consideration to the bill I have introduced on behalf of Senator GOLDWATER, the chairman

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of the Select Committee on Intelligence, and myself, along with other distinguished cosponsors. By enacting this legislation, the Congress could go a long way in recognizing the difficult service of the spouses of the officers of the CIA serving in a clandestine capacity abroad. By doing so, we would demonstrate to these Americans that the country respects their service in the interest of our foreign policy and national security and recognizes its unique difficulties.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Central Intelligence Agency Retirement and Disability System Spouses' Equity Act of 1982".

ANNUITANTS

Sec. 2. Section 204 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. 403 note) is amended—

(1) by inserting "former spouses," after "including surviving wives and husbands," and

Sec. (2) by adding at the end thereof the following:

"(4) 'Former spouse' means a former wife or husband of a participant or former participant who was married to such participant for not less than 10 years during periods of service by that participant which are creditable under sections 251 and 252 of this Act."

COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES

Sec. 3. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended—

(1) by inserting immediately above the section the following section heading: "COMPUTATION OF ANNUITIES FOR OTHER THAN FORMER SPOUSES"; and

(2) by amending subsection (b) to read as follows:

"(b)(1)(A) Except to the extent provided otherwise under a written election under subparagraph (B) or (C), if at the time of retirement a participant or former participant is married (or has a former spouse who has not remarried before attaining age 60), the participant shall receive a reduced annuity and provide a survivor annuity for his or her spouse under this subsection or former spouse under section 222(b), or a combination of such annuities, as the case may be.

"(B) At the time of retirement, a married participant or former participant and his or her spouse may jointly elect in writing to waive a survivor annuity for that spouse under this section (or under section 222(b) if the spouse later qualifies as a former spouse under section 204(b)(4)), or to reduce such survivor annuity under this section (or section 222(b)) by designating a portion of the annuity of the participant as the base for the survivor benefit. If the marriage is dissolved following an election for such a reduced annuity and the spouse qualifies as a former spouse, the base used in calculating any annuity of the former spouse under section 222(b) may not exceed the portion of the participant's annuity designated under this subparagraph.

"(C) If a participant or former participant has a former spouse, the participant and

such former spouse may jointly elect by spousal agreement under section 263(b) to waive a survivor annuity under section 222(b) for that former spouse if the election is made (i) before the end of the 12-month period after the divorce or annulment involving that former spouse becomes final, or (ii) at the time of retirement, whichever occurs first.

"(D) The Director may prescribe regulations under which a participant or former participant may make an election under subparagraph (B) or (C) without the participant's spouse or former spouse if the participant establishes to the satisfaction of the Director that the participant does not know, and has taken all reasonable steps to determine, the whereabouts of the spouse or former spouse.

"(2) The annuity of a participant or former participant providing a survivor benefit under this section (or section 222(b)), excluding any portion of the annuity not designated or committed as a base for any survivor annuity, shall be reduced by 2½ percent of the first \$3,600 plus 10 percent of any amount over \$3,600. The reduction under this paragraph shall be calculated before any reduction under section 222(a)(5).

"(3) (A) If a former participant entitled to receive a reduced annuity under this subsection dies and is survived by a spouse, a survivor annuity shall be paid to the surviving spouse equal to 55 percent of the full amount of the participant's annuity computed under subsection (a), or 55 percent of any lesser amount elected as the base for the survivor benefit under paragraph (1)(B).

"(B) Notwithstanding subparagraph (A), the amount of the annuity calculated under subparagraph (A) for a surviving spouse in any case in which there is also a surviving former spouse of the participant who qualifies for an annuity under section 222(b) may not exceed 55 percent of the portion (if any) of the base for survivor benefits which remains available under section 222(b)(4)(B).

"(C) An annuity payable from the fund to a surviving spouse under this paragraph shall commence on the day after the participant dies and shall terminate on the last day of the month before the surviving spouse's death or remarriage before attaining age 60. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund."

RIGHT OF ELECTION

Sec. 4. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended by section 3 of this Act, is further amended in subsection (g)—

(1) by inserting "(1)" after "(g)";
(2) by redesignating paragraphs (1) and (2) as clauses (A) and (B), respectively; and
(3) by adding at the end thereof the following:

"(2) A surviving former spouse of any participant or former participant shall not become entitled to a survivor annuity or to the restoration of a survivor annuity payable from the fund unless the survivor elects to receive it instead of any other survivor annuity to which he or she may be entitled under this or any other retirement system for Government employees on the basis of a marriage to someone other than that participant."

SUPPLEMENTAL ANNUITIES; RECOMPUTATION OF ANNUITIES

Sec. 5. Section 221 of the Central Intelligence Agency Retirement Act of 1964 for

Certain Employees, as amended by sections 3 and 4 of this Act, is further amended by adding at the end thereof the following:

"(m) (1) Any married annuitant who reverts to retired status with entitlement to a supplemental annuity under subsection 271 (b) shall, unless the annuitant and his or her spouse jointly elect in writing to the contrary at that time, have the supplemental annuity reduced by 10 percent to provide a supplemental survivor annuity for his or her spouse. Such supplemental survivor annuity shall be equal to 55 percent of the supplemental annuity of the annuitant and shall be payable to a surviving spouse to whom the annuitant was married at the time of reversion to retired status or whom the annuitant subsequently married.

"(2) The Director shall issue regulations to provide for the application of paragraph (1) of this subsection and of subsection 271(b) in any case in which an annuitant has a former spouse who was married to the participant at any time during a period of recall service and who qualifies for an annuity under section 222(b).

"(n) An annuity which is reduced under this section or any similar prior provision of law to provide a survivor benefit for a spouse shall, if the marriage of the participant to such spouse is dissolved, be recomputed and paid for each full month during which an annuitant is not married (or is remarried if there is no election in effect under the following sentence) as if the annuity had not been so reduced, subject to any reduction required to provide a survivor benefit under section 222 (b) or (c). Upon remarriage the retired participant may irrevocably elect, by means of a signed writing received by the Director within one year after such remarriage, to receive during such marriage a reduction in annuity for the purpose of allowing an annuity for the new spouse of the annuitant in the event such spouse survives the annuitant. Such reduction shall be equal to the reduction in effect immediately before the dissolution of the previous marriage (unless such reduction is adjusted under section 222(b)(5)), and shall be effective the first day of the first month beginning one year after the date of remarriage. A survivor annuity elected under this subsection shall be treated in all respects as a survivor annuity under subsection (b).

"(o) The Director shall, on an annual basis—

"(1) inform each participant of his or her right of election under subsections (f)(2) and (n); and

"(2) to the maximum extent practicable, inform spouses or former spouses of participants or former participants of their rights under this section and section 222."

COMPUTATION OF ANNUITIES FOR FORMER SPOUSES

Sec. 6. Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees is amended by adding at the end thereof the following:

"COMPUTATION OF ANNUITIES FOR FORMER SPOUSES

"Sec. 222. (a)(1) Unless otherwise expressly provided by any spousal agreement or court order under section 263(b), a former spouse of a participant or former participant is entitled to an annuity—

"(A) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the annuity of the participant; or

"(B) if not married to the participant throughout such creditable service, equal to a proportion of 50 percent of such annuity which is the proportion that the number of days of the marriage of the former spouse

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to the participant during periods of creditable service of such participant under this Act bears to the total number of days of such creditable service.

"(2) A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

"(3) The annuity of a former spouse under this subsection commences on the later of the day the participant upon whose service the annuity is based becomes entitled to an annuity under this title or the first day of the month in which the divorce or annulment involved becomes final. The annuity of such former spouse and the right thereto terminate on—

"(A) the last day of the month before the former spouse dies or remarries before 60 years of age; or

"(B) the date the annuity of the participant terminates (except in the case of an annuity subject to paragraph (5)(B)).

"(4) No spousal agreement or court order under section 263(b) involving any participant may provide for an annuity or any combination of annuities under this subsection be given effect if it is issued more than 12 months after the date the divorce or annulment involved becomes final.

"(5)(A) The annuity payable to any participant shall be reduced by the amount of an annuity under this subsection paid to any former spouse based upon the service of that participant. Such reduction shall be disregarded in calculating the survivor annuity for any spouse, former spouse, or other survivor under this title, and in calculating any reduction in the annuity of the participant to provide survivor benefits under subsection (b) or section 221(b).

"(B) If any annuitant whose annuity is reduced under subparagraph (A) is recalled to service under section 271, or reinstated or reappointed, in the case of a recovered disability annuitant, or if any annuitant is reemployed as provided for under sections 272 and 273, the salary of that annuitant shall be reduced by the same amount as the annuity would have been reduced if it had continued. Amounts equal to the reductions under this subparagraph shall be deposited in the Treasury of the United States to the credit of the fund.

"(6) Notwithstanding paragraph (3), in the case of any former spouse of a disability annuitant—

"(A) the annuity of that former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for an annuity under this title (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

"(B) the amount of the annuity of the former spouse shall be calculated on the basis of the annuity for which the participant would otherwise so qualify.

"(7) An annuity under this subsection shall be treated the same as a survivor annuity under subsection (b) for purposes of section 221(g)(2) or any comparable provision of law.

"(b)(1) Subject to any election under section 221(b)(1)(C) and unless otherwise expressly provided by any spousal agreement or court order under section 263(b), if a former participant who is entitled to receive an annuity is survived by a former spouse, the former spouse shall be entitled to a survivor annuity—

"(A) if married to the participant throughout the creditable service of the participant, equal to 55 percent of the full amount of the participant's annuity, as computed under section 221(a), or

"(B) if not married to the participant throughout such creditable service, equal to a proportion of 55 percent of the full amount of such annuity which is the proportion that the number of days of the marriage of the former spouse to the former participant during periods of creditable service of such former participant under this Act bears to the total number of days of such creditable service.

"(2) A former spouse shall not be qualified for an annuity under this subsection if before the commencement of that annuity the former spouse remarries before becoming 60 years of age.

"(3) An annuity payable from the fund to a surviving former spouse under this subsection shall commence on the day after the annuitant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 60. If such a survivor annuity is terminated because of remarriage, it shall be restored at the same rate commencing on the date such remarriage is dissolved by death, annulment, or divorce if any lump sum paid upon termination of the annuity is returned to the fund.

"(4)(A) The maximum survivor annuity or combination of survivor annuities under this section (and section 221(b)(3)) with respect to any participant or former participant may not exceed 55 percent of the full amount of the participant's annuity, as calculated under section 221(a).

"(B) Once a survivor annuity has been provided for under this subsection for any former spouse, a survivor annuity for another individual may thereafter be provided for under this subsection (or section 221(b)(3)) with respect to a participant or former participant only for that portion (if any) of the maximum available base for survivor benefits which is not committed for survivor benefits for any former spouse whose prospective right to such has not terminated by reason of death or remarriage.

"(C) After the death of a participant or former participant, a court order under section 263(b) may not adjust the amount of the annuity of any former spouse under this section.

"(5)(A) For each full month after a former spouse of a participant or former participant dies or remarries before attaining age 60, the annuity of the participant, if reduced to provide a survivor annuity for that former spouse, shall be recomputed and paid as if the annuity had not been so reduced, unless an election is in effect under subparagraph (B).

"(B) Subject to paragraph (4)(B), the participant may elect in writing within one year after receipt of notice of the death or remarriage of the former spouse to continue the reduction in order to provide a higher survivor annuity under section 221(b)(3) for any spouse of the participant.

"(c)(1) In the case of any participant or former participant providing a survivor annuity benefit under subsection (b) for a former spouse—

"(A) such participant may elect, or

"(B) a spousal agreement or court order under section 263(b) may provide for,

an additional survivor annuity under this subsection for any other former spouse or spouse surviving the participant, if the participant satisfactorily passes a physical examination as prescribed by the Director.

"(2) Neither the total amount of survivor annuity or annuities under this subsection with respect to any participant or former participant, nor the survivor annuity or annuities for any one surviving spouse or former spouse of such participant under this section or section 221, shall exceed 55

percent of the full amount of the participant's annuity, as computed under section 221(a).

"(3)(A) In accordance with regulations which the Director shall prescribe, the participant involved may provide for any annuity under this subsection—

"(i) by a reduction in the annuity or an allotment from the salary of the participant,

"(ii) by a lump sum payment or installment payments to the fund, or

"(iii) by any combination thereof.

"(B) The present value of the total amount to accrue to the fund under subparagraph (A) to provide any annuity under this subsection shall be actuarially equivalent in value to such annuity, as calculated upon such tables of mortality as may from time to time be prescribed for this purpose by the Director.

"(C) If a former spouse predeceases the participant or remarries before attaining age 60 (or, in the case of a spouse, the spouse does not qualify as a former spouse upon dissolution of the marriage)—

"(i) if an annuity reduction or salary allotment under subparagraph (A) is in effect for that spouse or former spouse, the annuity shall be recomputed and paid as if it had not been reduced or the salary allotment terminated, as the case may be, and

"(ii) any amount accruing to the fund under subparagraph (A) shall be refunded, but only to the extent that such amount may have exceeded the actuarial cost of providing benefits under this subsection for the period such benefits were provided, as determined under regulations prescribed by the Director.

"(D) Under regulations prescribed by the Director, an annuity shall be recomputed (or salary allotment terminated or adjusted), and a refund provided (if appropriate), in a manner comparable to that provided under subparagraph (C), in order to reflect a termination or reduction of future benefits under this subsection for a spouse in the event a former spouse of the participant dies or remarries before attaining age 60 and an increased annuity is provided for that spouse in accordance with this section.

"(4) An annuity payable under this subsection to a spouse or former spouse shall commence on the day after the participant dies and shall terminate on the last day of the month before the former spouse's death or remarriage before attaining age 60.

"(5) Section 291 shall not apply to any annuity under this subsection, unless authorized under regulations by the Director.

"(d) Section 221(l) shall not apply—

"(1) to any annuity payable under subsection (a) or (b) to any former spouse if the amount of that annuity varies by reason of a spousal agreement or court order under section 263(b), or an election under section 221(b)(1)(B), from the amount which would be calculated under subsection (a)(1) or (b)(1), as the case may be, in the absence of such spousal agreement, court order, or election; or

"(2) to any annuity payable under subsection (c)."

SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES

SEC. 7. Part C of title II of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as amended by section 6 of this Act, is further amended by adding at the end thereof the following:

"ELECTION OF SURVIVOR BENEFITS FOR CERTAIN FORMER SPOUSES

"SEC. 223. (a) Any participant or former participant in the Central Intelligence Agency Retirement and Disability System who has a former spouse not eligible for sur-

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vivorship benefits under subsection (b) section 222 may, by a spousal agreeer elect to receive a reduced annuity and provide a survivor annuity for such former spouse under that subsection.

"(b)(1) If the participant or former participant has not retired under such system, an election under this section may be made at any time before retirement.

"(2) If the participant or former participant has retired under such system, an election under this section may be made within such period after retirement as the Director may prescribe."

SPOUSAL AGREEMENTS; COURT DECREES

Sec. 8. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is further amended—

(1) by striking out "None" in section 283 and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section, none"; and

(2) by adding at the end thereof the following:

"(b) Payments under this Act which would otherwise be made to a participant or the child, survivor, or former spouse of a participant based upon the service of the participant shall be paid (in whole or in part) by the Director directly to a former spouse if and to the extent expressly provided for in the terms of any legally enforceable spousal agreement or recognized court decree of divorce, annulment, or legal separation between the participant and that former spouse, or the terms of any recognized court order or court-approved property settlement agreement incident to any such spousal agreement or court decree of divorce, annulment, or legal separation. Any payment under this subsection to a party to a spousal agreement, or court decree of divorce, annulment, or legal separation or property settlement agreement incident thereto shall bar recovery by any other person."

TECHNICAL AMENDMENTS

Sec. 9. The Central Intelligence Agency Retirement Act of 1964 for Certain Employees is further amended—

(1) by striking out in the first sentence of section 221(f) "Any" and inserting in lieu thereof the following: "Subject to the rights of former spouses under sections 221(b) and 222, any"; and

(2) by adding to subsection 221(l) the following paragraph:

"(4) This subsection shall not apply to the extent provided in section 222(d)."

EFFECTIVE DATE

Sec. 10. (a) Except as provided in subsections (b) and (c) of this section, this Act shall take effect on the date of its enactment.

(b) The provisions of section 222(a) of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, as added by this Act, regarding the rights of former spouses to an annuity shall apply in the case of any individual who after the effective date of this Act becomes a former spouse of an individual who separates from service with the Agency after such date.

(c) Except to the extent provided in section 223 of the Central Intelligence Agency Retirement Act of 1964 for Certain Employees, the provisions of sections 221(b) (as amended by this Act) and the provisions of subsections (b) and (c) of section 222 of such Act, as added by this Act, regarding the rights of former spouses to receive survivor annuities shall apply in the case of any individual who after the effective date of this Act becomes a former spouse of a participant or former participant in the Central

Intelligence Agency Retirement and Disability System.●

● Mr. GOLDWATER. Mr. President, I am please to join my good friend, the distinguished former chairman of the Senate Select Committee on Intelligence, Senator INOUYE, as a cosponsor of the Central Intelligence Agency Retirement and Disability System Spouses' Equity Act.

The purpose of this bill is to set up a system that would provide CIA spouses with rights to survivors pensions. It would also give some degree of protection to spouses whose marriages end in divorce proceedings. These benefits are not now available to CIA spouses although they have been provided to Foreign Service spouses. I believe that it is high time we give this consideration to CIA spouses as well.

Senator INOUYE's bill, which I am cosponsoring, would allow the equitable sharing by spouses of qualifying CIA officers in benefits paid from the Central Intelligence Agency Retirement and Disability System (CIARDS). Under this bill, CIA spouses would get the same treatment available to Foreign Service spouses by allowing qualified former spouses of CIARDS participants to share in their divorced partner's retirement benefits. It also makes them eligible for survivorship benefits from the CIARDS fund.

In my judgment, CIA spouses deserve this consideration. They are called upon to serve in remote posts overseas. They are subject to frequent transfers, and often live under difficult and dangerous conditions. They play a very important part in the success of the overall American mission abroad.

Mr. President, because of our debate on the Intelligence Identities Protection Act earlier this year, many of our colleagues have become familiar with the pernicious activity of naming names. As you know, naming names is an activity where certain disloyal Americans ferret out the names of our covert agents abroad, and publish these names for all to see.

We all know that Richard Welch was assassinated because of naming names. Has anyone ever stopped to think how Mr. Welch's wife and family were affected by this murderous act? When the Kinsman family home was machinegunned and bombed in Jamaica 2 years ago, did anyone ever stop to think how this vicious act affected Mrs. Kinsman and her family? Did anyone ever wonder that the Kinsman's young daughter must think about the fact that her bedroom was riddled with bullet holes?

Mr. President, let me give you an example of the type of adverse publicity that spouses of American CIA agents serving abroad often have to face. On page 292 of Louis Wolf's book titled "Dirty Work 2: The CIA in Africa," the following two paragraphs were written of the CIA spouse in the con-

text of pernicious activity of naming names:

Where available, we have included the name of the person's spouse, as of the most recent available official source, to aid in further identification. We have tried to give the wife's maiden name. The divorce rate in the CIA is high, so these will sometimes not be current.

In this connection, it must be said that CIA wives (and husbands) nearly always know what agency is employing their spouses. Normally, they have an active role to play in maintaining cover, even on occasion taking part in specific operational activities. Thus, the spouse of CIA officer is not "just a wife or husband."

I think we can draw two important points from this quote.

First, the enemies of American intelligence, such as Louis Wolf, consider the CIA spouse to be equal to their partner when serving overseas. They imply, therefore, that it is OK to treat them in the same fashion that our CIA agents have been treated in recent years. They suggest in this quotation that you can harass CIA spouses, or throw bombs at their homes, or threaten their children, and that is OK. This is the sort of situation that the CIA spouse and family may be forced to cope with when serving overseas.

Second, divorce rates among CIA families are unusually high. Probably this is because of the many pressures the CIA family must face while serving this Congress and the Nation on difficult missions overseas.

I for one believe that this legislation would recognize in a small but important way the significance of the service of these loyal and patriotic Americans. It would go a long way to help insure that these people are protected later in life, regardless of their future marital circumstances. It would recognize in a small way their vital service to their Nation.

Mr. President, this bill, if enacted, would create no significant costs to the U.S. Government. I commend Senator INOUYE for his leadership in bringing this situation to our attention. It has been overlooked for a long time. I believe it is time we do something about it, and Senator INOUYE's bill seems to me to be a very good place to start. I urge my colleagues to support this important legislation.●

● Mr. DURENBERGER. Mr. President, I am delighted to join today with my esteemed friends and Intelligence Committee colleagues in introducing the Central Intelligence Agency Retirement and Disability System Spouses' Equity Act of 1982. This legislation recognizes in a specific manner and in appropriate human terms what we on the Intelligence Committee have long realized:

That spouses of CIA officers serving abroad perform valuable services for their families and their country;

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That these CIA spouses deserve the same benefits accorded Foreign Service spouses in the Foreign Service Act of 1980; and

That the pledge of equitable shares in retirement and survivorship benefits for qualifying CIA spouses will assist the CIA by making intelligence employment more attractive to modern families weighing the costs and benefits of such service.

The Select Committee on Intelligence will hold hearings on this bill next month. I am confident that out of these hearings will come a persuasive record of the services performed by CIA spouses, the difficulties under which they labor, and the special reasons why they require legislative assurance of their retirement and survivorship rights.

This bill merits the support of every Member of this body, for each of us has a stake in CIA benefits that are attractive and equitable. By helping the CIA to continue to attract top quality personnel, we will help the country's first line of defense, the eyes and ears that alert our policymakers to dangers and opportunities in the world.

It is especially gratifying to note how closely this bill parallels my S. 888, the Economic Equity Act. That bill modifies the military and civil service retirement provisions in essentially the same manner that the present bill modifies the CIA retirement and disability system.

The present bill was not spawned by S. 888. It grew out of the Foreign Service Act of 1980 and the recognition that CIA spouses deserve equal treatment regarding retirement and survivorship annuities. The fact that all these retirement equity bills are arriving at very similar language, however, suggests that we have found a good solution to some of these problems. I look forward to seeing S. 888, too, move forward, so that the military and civil service retirement systems will also provide this basic equity to the spouses of participants.●

By Mr. McCURE (for himself and Mr. SYMONS):

S. 2423. A bill for the relief of the Aetna Insurance Company, and other insurance companies; to the Committee on the Judiciary.

RELIEF OF AETNA INSURANCE CO.

Mr. McCURE. Mr. President, I am today introducing legislation on behalf of myself and my colleague from Idaho, Senator SYMONS.

Mr. President, the legislation we are introducing today seeks to resolve one remaining problem resulting from the Teton Dam disaster.

On June 5, 1976, the Teton Dam, located in southeastern Idaho, collapsed during the initial filling of its reservoir, causing the deaths of 11 people and approximately \$400 million in property damage.

Subsequent to the failure, Congress enacted the Teton Dam Disaster Assistance Act of 1976, Public Law No.

94-400, 90 Stat. 1211 (1976), which, without admitting liability, purported to provide full compensation for death, personal injury or loss of property. While the Disaster Assistance Act precluded any recovery under the act for the subrogation claims of insurance companies, it specifically provided that this limitation would not prevent an insurance company from "exercising any right of action against the United States to which it may be entitled under any other laws for payments made" to its insureds for losses arising from the dam's collapse.

Insurance carriers subsequently filed their subrogation claims under the Federal Tort Claims Act. Despite the Government's own admissions of negligence in the various investigative reports issued following the dam's failure, these claims were denied by the Bureau of Reclamation without consideration of the merits of the claims. Lawsuits were then filed in the U.S. District Court for the district of Idaho, alleging that the cause of the failure of the Teton Dam was the extremely careless and negligent conduct of the BOR in designing, constructing and operating the Teton Dam.

Without a consideration of the merits of the claims, the ninth circuit court of appeals overruled the Idaho Federal district court and dismissed the suits, holding that the Federal Government was totally immune to any claim arising out of flooding, regardless of whether or not the BOR's negligence was the sole cause of the dam's collapse and the claimed damages.

Because insurance companies were permitted no recourse against the United States either under the Disaster Assistance Act or the Federal Tort Claims Act, and because the insurance companies have equitable claims amounting to over \$10,000,000 against the United States, the insurance companies are entitled to have their claims determined pursuant to the provisions of 28 title United States Code sections 1492 and 2509, which govern the congressional reference of private claims to the Chief Commissioner of the U.S. Court of Claims.

The last chance for equity and justice for the insurance carriers—and for their policyholders who ultimately must bear the brunt for the as yet uncompensated Teton Dam disaster—lies with the Congress of the United States. Through what is known as the congressional reference process, where no legal remedy through the court system exists, a claim such as that of the insurance carriers may be evaluated on its merits by the Court of Claims to determine whether or not the Government is responsible for damages claimed and therefore in fairness and equity ought to compensate the claimants.

This procedure removes from Congress the burden of determining the merits of a claim and places that burden upon the Court of Claims.

Once the Court of Claims has reached a conclusion and made its recommendation, Congress can then resolve the matter in a fair and equitable manner on the basis of the findings of this tribunal.

The bill and resolution accompanying it are intended to implement this special statutory process. I ask unanimous consent that the bill be printed at this point in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall pay, out of remaining unobligated funds appropriated under the Act approved July 12, 1976 (Public Law 94-355) or the Act approved September 30, 1976 (Public Law 94-438), pursuant to the Teton Dam Disaster Assistance Act of 1976 (Public Law 94-400), to each of the following companies the amount listed below in full settlement of all claims of each company against the United States based upon damages suffered by such insurance companies as a result of the failure of the Teton Dam on June 5, 1976, and upon subrogation rights retained by such insurance companies for the recovery of all sums paid by such insurance companies to their insured for losses as a result of the failure of the Teton Dam:

Name of Claimant, Address, Amount of Claim.

Aetna Insurance Company, 55 Elm Street, Hartford, Conn., \$62,598.46.

North American Company, 650 Madison Ave., New York, New York, \$1,926,727.50

Highlands Insurance Company, 600 Jefferson Street, Houston, Texas, \$18,750.00.

Global Aviation Insurance Managers and Brokers, Inc., P.O. Box 3995, San Francisco, Calif., \$916,571.97.

Sentry Insurance, 1800 North Point Drive, Stevens Point, Wisconsin, \$93,115.10.

H.R. Rokeby-Johnson, as Representative of those Underwriters at Lloyds, London, Signatory to Policy Nos. JGQ 0206 and JGA 0090, 52561/RC, c/o Sedwick, Detert, Moran & Arnold, 111 Pine Street, San Francisco, Calif., \$41,376.91.

Preferred Risk Mutual Insurance Company, 1111 Ashworth Road, West Des Moines, Iowa, \$5,582.50.

Federal Insurance Company, 100 William Street, New York, New York, \$1,516.40.

Motors Insurance Corporation, 767 Fifth Avenue, 21st Floor, New York, New York, \$7,772.02.

Appalachian Insurance Company, Alledale Park, Johnston, R.I., \$3,714,074.00.

Protection Mutual Insurance Company, 300 So. N.W. Highway, Park Ridge, Illinois, \$43,368.36.

Clearfield Insurance Limited, c/o P.O. Box 200, Boise, Idaho, \$99,000.00.

Canners Exchange Subscribers, 4300 Peterson Avenue, Chicago, Illinois, \$27,000.00.

Warners Reciprocal Insurers, 4210 Peterson Avenue, Chicago, Illinois, \$10,500.00.

American Mutual Reinsurance Company, 1 East Wacker Drive, Chicago, Illinois, \$95,368.10.

Foremost Insurance Company, 5800 Foremost Dr. S.E., Grand Rapids, Mich., \$326,280.47.

Mutual of Enumclaw, Enumclaw, Washington, \$697,761.80.

Balboa Insurance Company, 620 Newport Center Dr., Newport Beach, Calif., \$415,609.08.